

STACEY M. SOULE
STATE PROSECUTING ATTORNEY



PD-1199-18
JOHN R. MESSINGER
ASST. STATE PROSECUTING ATTORNEY
COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS
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EMILY JOHNSON
ASST. STATE PROSECUTING ATTORNEY
DEANA WILLIAMSON
CLERK

**OFFICE OF
STATE PROSECUTING ATTORNEY**

P.O. Box 13046
CAPITOL STATION
AUSTIN, TX 78711
information@spa.texas.gov
(512) 463-1660

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COURT OF CRIMINAL APPEALS
9/17/2019
DEANA WILLIAMSON, CLERK

September 17, 2019

Honorable Deana Williamson
Clerk of the Court
P.O. Box 12308, Capitol Station
Austin, Texas 78711

Re: PD-1199-18
Obinna Ebikam v. The State of Texas

Dear Ms. Williamson,

Oral argument has been set in the above referenced case for Wednesday, September 18, 2019, at 9:00 AM. While working on another case this week, an opinion from this Court that is relevant to this case was discovered. *Bufkin v. State*, 207 S.W.3d 779 (Tex. Crim. App. 2006), which discusses *Campbell v. State*, 149 S.W.3d 149 (Tex. Crim. App. 2004), distinguishes between a defendant hijacking a prosecution by “foist[ing] upon the State a crime the State did not intend to prosecute” and a defendant controverting the facts of the offense charged. The reasoning of those cases supplements but does not expand the State’s argument in this case, *i.e.*, that appellant (at most) admitted to committing a different assault than the State prosecuted him for.

Respectfully Submitted,

/s/ John R. Messinger
JOHN R. MESSINGER
Assistant State Prosecuting Attorney
Bar I.D. No. 24053705
P.O. Box 13046
Austin, Texas 78711
information@spa.texas.gov
512-463-1660 (Telephone)
512-463-5724 (Fax)

cc: Hon. Richard E. Wetzel
Hon. Andrew N. Warthen

wetzel_law@1411west.com
awarthen@bexar.org